

REMARKS

Claims 1 and 3-22 are pending in the present application. Claim 2 has been cancelled. Claims 3-8 and 10-17 have been withdrawn from consideration. Claims 1, 9, 18 and 22 have been amended. Claims 1, 10, 14, 17, 18 and 22 are independent claims.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 9 and 18-22 are rejected under 35 U.S.C. §102(e) as being anticipated by Hwang (U.S. Patent Publication No. 2004/0246849 A1) ("Hwang"). Reconsideration of these rejections as they may apply to the now amended claims is respectfully requested.

Claim 1 has been amended to recite, among other things, that the overwrite method confirms whether the recording mode is a "sequential recording mode in which data is recorded sequentially onto sequential recording ranges allocated to a data area of the optical disc, wherein each of the sequential recording ranges is one of an open sequential recording range having a next writable area or a closed sequential recording range having no writable area." Similar language has been also added to independent claims 18 and 22.

Each of the rejected independent claims, as amended, includes a sequential recording mode using sequential recording ranges such that each of the sequential recording ranges is one of an open sequential recording range or a closed sequential recording range. In the current rejection, the Examiner relies on Hwang paragraphs [0045] and [0053] to teach the sequential recording of cluster units in a sequential recording mode. However, Applicant submits that there is no support for such a conclusion.

Paragraph [0045] describes the recording of defect information in a write once recording medium when newly generated defect information is to be recorded. The Examiner is correct that the newly generated defect information is recorded in a new cluster. However, nothing in paragraph [0045] suggests a sequential recording **mode**. Similarly, paragraph [0053] discusses the data structure of information recorded in a TDMA where the TDDSs and TDFLs are recorded in the TDMA in cluster units. It is true that paragraph [0053] does discuss recording new TDDSs and TDFLs recorded in one cluster unit in a sequence in which they are generated. However, there is again no mention of a sequential recording mode versus any other modes.

Other elements of the amended claims also do not appear in the reference. For example, there is no teaching of whether this sequential recording of defect information is in an open sequential recording range or a closed sequential recording range as now recited in the amended claims. Furthermore, the reference does not teach, in either of the cited paragraphs, a sequential recording mode for recording information in either a next writable area as part of an open sequential recording range or recording overwrite requested data onto a replacement recording area.

More generally, the reference is solely directed to the problem of sequentially recording defect information in a write once optical recording environment, it is not directed to the problem of overwriting user data on a write once optical disc and the problems inherent with attempting to record data in a write once environment.

Finally, there is nothing in the reference to teach a "next writable area within the open SRR". With reference to paragraph [0050] of Hwang, the reference discloses a "space bit map" indicating whether the clusters have or have not been recorded. The TDMS of Hwang contains a space bit map using bit values to indicate whether data is recorded in clusters that constitute a whole recording area of the write once recording medium, in addition to the TDDS and the TDFL. Similarly, paragraph [0053] of

Hwang is also incapable of teaching this aspect of the independent claims. Paragraph [0053] is relied on by the Examiner as merely teaching the sequential recording of cluster units. However, there is nothing to suggest that Hwang determines whether an open SRR exists and also does not determine whether a next writable area exists within the open SRR. Instead, the space bit map of Hwang merely teaches the sequential recording of clusters in the TDMS that contain defect information.

For at least these reasons, Applicant submits that Hwang is incapable of supporting the current rejection under Section 102 as it may apply to the now amended claims. In this regard, Applicant has demonstrated that the reference fails to disclose several express elements contained in the independent claims as amended.

To the extent that Applicant has not traversed a specific interpretation or application of the reference set forth herein, the Examiner should not consider this as an admission that the Applicant concedes to the correctness of the Examiner's interpretation. Moreover, Applicant reserves the right to traverse or otherwise challenge the Examiner's interpretation of this reference in the future, if necessary.

Request for Interview

The Applicant respectfully requests that the Examiner grant the Applicant's representative an interview before issuing a next action in the application. The Examiner is requested to contact the undersigned to schedule an interview.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 9 and 18-22 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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